

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., S.W.
Washington, DC 20554

November 21, 2017

By E-mail

**NOTICE OF COMPLAINT: THIS LETTER CONTAINS IMPORTANT
INFORMATION REGARDING FILING DEADLINES AND PROCEDURES.
PLEASE REVIEW IT CAREFULLY.**

Zito Media, L.P.,)	
Complainant,)	
)	Proceeding No. 17-316
v.)	File No. EB-17-MD-006
)	
Pennsylvania Electric Company,)	
Respondent.)	

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Dear Counsel:

On November 13, 2017, Zito Media, L.P., (“Zito”) filed with this Commission a complaint against Pennsylvania Electric Company (“Penelec”) pursuant to Section 224 of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. § 224 and the Commission’s pole attachment rules, 47 C.F.R. §§ 1.1401-1.1424. Penelec should have a copy of the complaint as served by Zito. *See* 47 C.F.R. § 1.1404(b). If that is not the case, Penelec should contact the Commission counsel identified below.

We strongly encourage the parties to read the Commission's procedural rules governing pole attachment complaints. *See* 47 C.F.R. §§ 1.1401-1.1424. In accordance with these rules, we establish the following pleading schedule:

- 1) Penelec shall, on or before **December 13, 2017**, file and serve a response to the complaint that complies with 47 C.F.R. §§ 1.1407 and 1.1408. Failure to respond may be deemed an admission of the material factual allegations contained in the complaint. *See* 47 C.F.R. § 1.1407(d).
- 2) Zito shall, on or before **January 2, 2018**, file and serve a reply to the response that complies with 47 C.F.R. §§ 1.1407 and 1.1408.

Please note that the parties must file using the Commission's Electronic Comment Filing System ("ECFS") **all** written submissions in this proceeding, and all such submissions shall prominently contain, *inter alia*, the Proceeding Number and File Number referenced above. *See, e.g.,* 47 C.F.R. § 1.7. *See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, FCC 14-179 (rel. Nov. 12, 2014) ("*ECFS Order*"); *see also* 47 C.F.R. § 1.1405.

Please be certain that the Commission Secretary (as opposed to Commission counsel) is the addressee on any written submission filed in this proceeding. The parties shall serve all filings via e-mail, hand-delivery, or overnight, together with a proof of all such service. *See* 47 C.F.R. § 1.1408, as amended by the *ECFS Order*. In addition, we request that the parties send to the Commission counsel handling this proceeding courtesy copies of all filings via e-mail and two copies via overnight delivery (if counsel is located outside of the Washington, DC area). If there is both a public and a confidential version of a filing, the courtesy copy to staff need only include the confidential version.

The parties should note that this proceeding is restricted for *ex parte* purposes pursuant to 47 C.F.R. Part 1, Subpart H. Further, the parties shall retain all records that may be relevant to the complaint, including electronic records, until the Commission's decision in this proceeding is final and no longer subject to judicial review. *See* 47 U.S.C. § 154(i), 47 C.F.R. § 1.1415.

Michael Engel and I are Commission counsel for this proceeding. We can be reached, respectively, at (202) 418-1516, michael.engel@fcc.gov; and at (202) 418-7335, lisa.saks@fcc.gov.

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